IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2365 OF 2000

Tata Consultancy Services ....Petitioner

V/s.

The Regional Provident Fund Commissioner & 2 others ....Respondents

Mr.S.P. Dhulapkar for the Petitioner.

Mr.H.V. Mehta for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 22ND NOVEMBER, 2004.

P.C. :

1. Pursuant to an order dated 17th June, 2004, the Petitioner was granted liberty to submit an application for exemption within one week. The Petitioner made that application on 28th June, 2004. The Respondents were required to arrive at a decision within six weeks thereafter.

2. The application was to be without prejudice to the rights and contentions of the Petitioner in the Petition itself. The Petitioner’s contention is that

it does not fall within the purview of the Employees' Provident Funds and Family Pension Fund Act, 1952, as contemplated by the notification dated 17th May, 1971.

3. There is some dispute between the parties whether the application was in compliance with the requirements. By an order dated 9th August, 2004, the Petitioner was granted 15 days to furnish the required information to the Respondents and the Respondents were thereafter to take a decision within four weeks.

4. The dispute as to whether the Petitioner has furnished the required information continues. That however does not warrant a decision not being taken. If in fact the Petitioner has not furnished the required information, it is for the Respondents to pass an appropriate order taking that fact into consideration.

5. However, it is necessary to obviate any unnecessary dispute as to whether the information has been furnished or not. Such a dispute would unnecessarily lead to multiplicity of proceedings. The Respondents shall therefore within four weeks from today furnish in writing to the Petitioner and the Petitioner's advocate the information required.

Irrespective of whether such information has already been furnished or not the Respondents shall furnish the same within four weeks thereafter. The Respondents shall thereafter decide the matter within twelve weeks of the receipt of such information. It is clarified that the decision shall be taken irrespective of whether or not according to the Respondents the required information has been furnished by the Petitioner. The decision shall be taken after hearing the Petitioner.

6. The stay granted in paragraph 3 of the order dated 17th June, 2004 not requiring the Petitioner to transfer the corpus of the fund shall continue pending decision to be taken by the Respondents and for a period of eight weeks thereafter if the same is adverse to the Petitioner. It is further clarified that in the event of the Petitioner being aggrieved by the decision in any manner, it will be open to the Petitioner to challenge the same as well as to agitate all rights and contentions in the present Writ Petition. Subject to above, the Petition is disposed of.

. Parties to act on an ordinary copy of this order duly authenticated by the Chamber

Registrar/Court Stenographer of this Court.